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 **ORIGINAL**

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-70296 EMC
Plaintiff,)	
v.)	STIPULATION AND PROPOSED ORDER
)	RE: MENTAL EVALUATION
NOEL GILLET,)	
Defendant.)	

On April 1, 2009, the parties in this case appeared before Magistrate Judge Zimmerman for the defendant's initial appearance on a Complaint. At that initial appearance, counsel for the government requested that the defendant be evaluated by a psychiatrist or psychologist to determine the defendant's mental condition, pursuant to 18 U.S.C. § 3142(g)(3)(A).

On April 7, 2009, the parties appeared before Judge Zimmerman for a detention hearing, at which time the defendant waived a detention hearing, subject to a preservation of his right to request a detention hearing at a later time. At the April 7 hearing, the parties and the Court discussed the defendant's mental state once again, and the parties agreed to explore what mental

1 evaluation and/or treatment options were available through Pre-Trial Services. The Court agreed
2 that such an evaluation would be appropriate.

3 After the hearing, counsel for the defendant consulted further with Pre-Trial Services and
4 was informed that the defendant could be evaluated by a mental health professional, but that a
5 written order from the Court is required. Pursuant to that requirement, the parties hereby
6 stipulate that such an evaluation is necessary and respectfully request that the Court order that
7 such an evaluation be conducted at the direction of Pre-Trial Services. Counsel for the defendant
8 will coordinate with Pre-Trial Services and communicate with the Government and the Court as
9 appropriate for future dates.

10
11 SO STIPULATED:

12 JOSEPH P. RUSSONIELLO
United States Attorney

13
14 DATED: April 8, 2009

15 /s/
KEVIN J. BARRY
Assistant United States Attorney

16
17 DATED: April 8, 2009

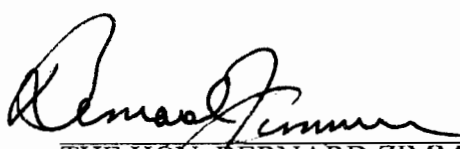
18 /s/
LOREN G. STEWART
Attorney for NOEL GILLETT

19
20 [PROPOSED] ORDER

21 For the reasons stated above and at the hearings in this matter, the Court finds that an
22 evaluation of the defendant's mental condition by a psychiatrist or psychologist is necessary, and
23 hereby ORDERS that Pre-Trial Services have such an evaluation be conducted.

24
25 IT IS SO ORDERED.

26
27 DATED: 13 Apr 09

28 
THE HON. BERNARD ZIMMERMAN
United States Magistrate Judge